

BEFORE THE THREE MEMBER DUE-PROCESS PANEL
PURSUANT TO RSMO. *Sect.* 162.961

Petitioners,
vs.
LAKELAND R-III SCHOOL DISTRICT,
Respondent.

)
)
)
)
)
)
)
)
)
)

MEMORANDUM AND ORDER

The Chairperson has received Respondent's Motion to Dismiss with Affidavit of Linda Bourland, Special Education Director for the Lakeland R-III School District, attached. The Motion and Affidavit essentially state that the Petitioners have refused to accede to the Chairperson's Order entered on January 7, 2002 that they sign medical releases in favor of the School District so that the latter could obtain medical information concerning and to make available for a medical examination on or before January 25, 2002. The Order was entered pursuant to Petitioners' then counsel's statement in a pre-trial teleconference and Respondent's subsequent Motion to Compel, that one of the main issues to be raised by the Petitioners with respect to the proposed placement by the School District is that it would be medically and psychologically harmful for to have to ride a long distance on a bus between his home and the State School for the Severely Handicapped. Moreover, as conditioned in the January 7 Order, the Petitioners failed to show cause on or before January 18, 2002 why Respondents' previously filed Motion to Compel the aforesaid physical evaluation should be denied.

Accordingly, and pursuant to the Order entered January 7, 2002, it is hereby ordered that Petitioners' request for due process hearing to question placement of is hereby dismissed with prejudice.

Entered this 5th day of February 2002.

George J. Bude
Chairperson

cc: Terri B. Goldman, Esq.
Ms. Julie Fletcher, Panel Member
Mr. Rodney Karns, Panel Member